

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HARRY WILLIAM LOTT,

Plaintiff,

v.

PACER, *et al.*,

Defendants.

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Case No. 2:13-CV-1181

JUDGE ALGENON L. MARBLEY

Magistrate Judge King

ORDER

This matter is before the Court on the United States Magistrate Judge's **Initial Screening Report and Recommendation** (Doc. 4), recommending that the Court dismiss Plaintiff's Complaint (Doc. 3) for failure to state a claim arising under the Constitution or laws of the United States. On December 9, 2013, Plaintiff filed his Objection to the Report and Recommendation. (Doc. 9).

In his Complaint, Plaintiff asserts that Pacer, an electronic legal database through which individuals can obtain copies of court documents, and the court's practice of sending documents through Pacer rather than sending the documents themselves, "is a clear violation of a constitutional right of fair notice and hearing." (Doc. 3 at 1). Plaintiff filed his Complaint, in part, due to his receipt of a bill for \$272.20 due to his use of Pacer to access various court documents.

The Magistrate Judge found that, "[c]ontrary to the allegations set forth in the complaint, fees for using Pacer are prominently displayed at the Pacer website." (Doc. 4 at 2-3). Moreover, court dockets and documents can be viewed free of charge in the district court clerk's office; most documents can be accessed free of charge. (*Id.* at 3). Dockets in two of Lott's previous cases showed that he was not signed up to receive filings through Pacer. (*Id.*). The clerk of

court, however, mailed court orders and notices to him, while opposing counsel mailed their filings to him. (*Id.*). The Magistrate Judge notes that copies of case filings have never been free to the public. (*Id.*). Lott did not have any reasonable expectation that he would not be charged ten cents per page for accessing court filings. (*Id.*). Thus, the Magistrate Judge found that Plaintiff's Complaint failed to state a claim for relief. (*Id.*).

Plaintiff's Objection does not object to the merits of the Magistrate Judge's Report and Recommendation. Instead, it states that the Court is "required to hold a hearing under Wong Yang sung and FRCP 12 (i)." (Doc. 9). Plaintiff, therefore, neglects to explain the merits of his Complaint, or demonstrate why this Court should not adopt the Magistrate Judge's Report and Recommendation.

The Court has considered independently the Report and Recommendation of the Magistrate Judge, and Plaintiff's Objection. Plaintiff's Objection fails to show how his Complaint states a claim arising under the Constitution or laws of the United States. Rather, Plaintiff demands that this Court "[p]lease, explain to me why the federal court refuses to hold hearing!" (Doc. 9). This matter contains no meritorious issues. The Court, therefore, **ADOPTS** the Magistrate Judge's findings set forth in the Report and Recommendation (Doc. 4), and **OVERRULES** Plaintiff's Objection (Doc. 9). The case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: September 30, 2014